

City of Morgantown
389 Spruce Street, Morgantown, WV 26505

REGULAR MEETING
August 4, 2020

The Regular Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, August 4, 2020, at 7:34 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not permitted. When it was time, the public participated in the public portion by videoconference at the following link:

<https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public could view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. Any person wishing to speak at the meeting could complete the form at <https://www.morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-85> or provide their name, phone number they would be using to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals could sign up to speak at any time until the meeting began. Additionally, the public could submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov.

PRESENT: Via Webex were Interim City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor Ron Dulaney, Jr., Deputy Mayor Rachel Fetty, and Council Members Bill Kaweck, Zackery Cruze, Jenny Selin, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Dulaney.

APPROVAL OF MINUTES: July 21, 2020 Special Meeting minutes; July 21, 2020, Regular Meeting minutes; July 28, 2020, Special Meeting minutes; July 28, 2020, Committee of the Whole Meeting minutes were approved as printed.

CORRESPONDENCE: Deputy Mayor Rachel Fetty spoke of Special Committee on Community Policing and Citizen Review Board interest. Councilor Selin spoke of correspondence related to the increase in fire fees.

PUBLIC HEARING: AN ORDINANCE AMENDING SECTION 1329.02 AND CHAPTER 1331 AND ESTABLISHING ARTICLE 1358 THE WILES HILL GATEWAY OVERLAY DISTRICT OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

Mayor Dulaney declared the Public Hearing open.

There being no other appearances, Mayor Dulaney declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING SECTION 1713.01 ADOPTING STATE BUILDING CODE REVISIONS

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

UNFINISHED BUSINESS: None

BOARDS & COMMISSIONS:

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Motion by Councilor Kaweck, second by Councilor Harshbarger, to reappoint Ross Justice, by consensus, to the Museum Commission.

Motion by Councilor Kaweck, second by Councilor Harshbarger, to appoint Ross Justice, by consensus, to the Woodburn School Redevelopment Commission.

Motion by Deputy Mayor Fetty, second by Councilor Wendell, to reappoint Linda Durfee, by consensus, to the Library Board.

Motion by Deputy Mayor Fetty, second by Councilor Kaweck, to reappoint Suzanne Gosden Kitchen, by consensus, to the Personnel Board.

Motion by Councilor Wendell, second by Councilor Kaweck, to reappoint Joe Morris, by consensus, to the Urban Landscape Commission.

Motion by Councilor Wendell, second by Councilor Harshbarger, to reappoint Michael Hasenmyer, by consensus, to the Urban Landscape Commission.

PUBLIC PORTION:

Mayor Dulaney declared the Public Portion open.

There being no individuals to speak, Mayor Dulaney declared the public portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Cruze shared information related to the most recent Special Committee on Community Policing and Citizen Review Board meeting. Councilor Selin shared that the BOPARC Foundation held it's first meeting on July 27 and established a President and other officers.

CONSENT AGENDA:

AN ORDINANCE AMENDING SECTION 1329.02 AND CHAPTER 1331 AND ESTABLISHING ARTICLE 1358 THE WILES HILL GATEWAY OVERLAY DISTRICT OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE

AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

Motion by Councilor Selin, second by Councilor Harshbarger, to approve all above ordinances. All were approved by consensus.

NEW BUSINESS:

A BOND ORDINANCE AUTHORIZING REFUNDING CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2010 A: The below entitled Ordinance was presented for first reading.

A BOND ORDINANCE OF CITY COUNCIL WHICH WOULD (I) AUTHORIZE THE REFUNDING OF THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) (THE "SERIES 2010 A BONDS"), AND (II) AUTHORIZE THE ISSUANCE BY THE CITY OF NOT MORE THAN \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (TAX EXEMPT) (THE "SERIES 2020 A BONDS") FOR THE PURPOSE OF REFUNDING THE SERIES 2010 A BONDS AND OTHER MATTERS RELATED THERETO.

Interim City Manager Emily Muzzarelli explained. Council suspended the rules to allow Rob Steptoe to speak and answer any questions. Motion by Councilor Kaweck, second by Deputy Mayor Fetty, to approve the above entitled Bond Ordinance to second reading. Motion carried 7-0.

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AN ORDINANCE AMENDING CITY CODE SECTION 1713.99 PROVIDING PENALTIES FOR VIOLATION OF THE BUILDING CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING CITY CODE SECTION 1713.99 PROVIDING PENALTIES FOR VIOLATION OF THE BUILDING CODE

Interim City Manager Emily Muzzarelli explained. Council suspended the rules to allow Chief Stone to speak. After discussion, motion by Councilor Harshbarger, second by Councilor Selin, to approve the above entitled Ordinance to second reading. Motion carried 6-1. Councilor Cruze voted no.

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO DQE OVER THE AIRPORT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO DQE OVER THE AIRPORT

Interim City Manager Emily Muzzarelli explained. Motion by Councilor Kawecki, second by Councilor Harshbarger, to approve the above entitled ordinance to second reading. Motion carried 7-0.

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION FOR ANIMAL CONTROL OFFICER: The above entitled Resolution was presented for first reading.

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Kawecki, second by Councilor Harshbarger, to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN: The above entitled Resolution was presented for first reading.

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Kawecki, second by Councilor Cruze, to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION AMENDING THE CITIZEN PARTICIPATION PLAN UNDER THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM: The above entitled Resolution was presented for first reading.

Interim City Manager Emily Muzzarelli explained. Motion by Councilor Kawecki, second by Deputy Mayor Fetty, to approve the above entitled Resolution. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Kawecki, second by Councilor Selin, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 1713.01 ADOPTING STATE BUILDING CODE REVISIONS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 1713.01 ADOPTING STATE BUILDING CODE REVISIONS

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Kawecki, second by Councilor Harshbarger, to approve the above entitled Ordinance. Motion carried 6-1. Councilor Wendell voted no.

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CITY MANAGER'S REPORT:

Information:

1. **Morgantown's Urban Deer Archery Hunt - 2020**

Interim City Manager Emily Muzzarelli explained. This year marks the 10th year of the program and is run by volunteers to provide venison to local kitchens and shelters. No accidents have happened in the program, and the program has been extremely successful due in large part to the dedication and professionalism of the volunteers who run it.

New Business:

1. **FAA – Runway Extension Land Acquisition – Grant Acceptance Pre-Authorization**

The city is in the process of acquiring three properties to make room for the runway extension at the Morgantown Municipal Airport and requested pre-authorization for execution of grant funds.

Interim City Manager Emily Muzzarelli explained. Motion by Councilor Selin, second by Councilor Harshbarger to approve. Motion carried 7-0.

2. **WV SHPO Grant to the Morgantown Landmark Commission**

The Morgantown Historic Landmark Commission received a grant for completing a Multiple Property Documentation of the New Deal Stone Resources. It was requested that council allocate \$3,620.00 from the Capital Escrow Fund to match the grant amount of \$17,514.

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Selin, second by Councilor Harshbarger to approve. Motion carried 7-0.

REPORT FROM CITY CLERK: shared that the Clerk's office is prepping for elections, reaching out to the WVSOS's office, and reaching out to the County Clerk for any guidance or take-aways from the primary election. As a cost savings they will be purchasing their own items for the polling boxes in lieu of contracting that out. They are coordinating with the WVU Director of Diversity and Inclusion Spenser Darden to handle poll worker training related to diversity and inclusion. They are working with the Communications Director Andrew Stacy for advertising for poll workers in the very near future.

REPORT FROM CITY ATTORNEY: shared that the WVU Reynolds hall construction is moving along and that the part of that construction is proposed to create a ramp that will access the rail trail which will be accessible to users. They followed up with them this weekend and are in contact with the State Rail Authority to get that project permitted to create an additional connection with the rail trail. That is likely to be completed sometime this fall or winter if and when it is approved. He shared that he attended the International Municipal Lawyers Association University Cities Summit last week. It is always good to have the perspective of other cities dealing with many similar issues to those in Morgantown. If council members are interested, he would be happy to share resources from those presentations or additional information about the summit.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: encouraged everyone to continue to wear masks and maintain social distancing. We are doing remarkably well in comparison to other parts of the country. We have had some flare ups that are related to travel outside of the city and gathering. She urges everyone to limit those kinds of interactions as much as possible as we brace for the return of students who are already on their way. She encourages all to be supportive and caring of one another and to understand that every family situation is different and it's important to be supportive at the same time that we are trying to make sure that our community goes back to school as safely as possible. She received calls related to Diamond Village and she would like to propose that we form a special committee not only to address the situation specifically at Diamond Village, but also to look at generally the entire concept to bridge housing between homelessness, business and encampments, and those kinds of arrangements that an individual might make in obtaining permanent housing. She shared that we need to develop a more consistently documented approach and we need to have some opportunities for public comment from all the different stakeholders and individuals who are currently homeless or are trying to bridge that gap. She thanked Councilor Cruze as it relates to the special committee on policing as we are really chugging along. She believes the group is diverse and it has the voices that we need. She is hopeful that they hear from more of those voices as time goes on.

COUNCILOR KAWECKI: asked about the possibility of bringing to either the November or to our next election cycle the question of whether terms of council should be changed. He asked if administration has given any further consideration to when that might be appropriate to consider and what recommendations might have been made.

COUNCILOR CRUZE: explained his vote on adding potential jail sentences for code violations. He is very hesitant towards using jail sentences for those that fail to pay fines. He is not against finding a way to do something about frequent violators. He shared that he is not sure why we do not use the same system for landlords who violate, or those who do not pay their bills or fines to the city. For

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Councilor Fetty's suggestion about forming a committee to look at how the city can address and help our community dealing with homelessness and housing assistance, his suggestion would be that we take the committee (the unformed committee) that the Mayor and Council Harshbarger and he have been meeting with for many months now and just form that into an official special committee rather than start a new one. There has been within our community, and even amongst our community leaders some pretty hurtful and vile comments recently about individuals dealing with addiction. A lot of these comments stemmed from the comment that Narcan had been used 44 times at Diamond Village. Across the nation we are seeing dramatic spikes in overdoses for the period of COVID compared to the same time period of last year. We are seeing between 50% and a hundred and ninety-one percent increases in opioid overdoses. A lot of this is from the social isolation that COVID is causing when individuals are dealing with recovery or mental health issues. Isolation is a killer because the way you go through recovery and the way you go through mental illness, the way you go through dealing with the issue of being homeless is integrating within the community. Because of COVID we have struck the ability of individuals to do that, so he shared the hesitation of comments to those making hurtful comments. He shared that kindness goes a really long way.

COUNCILOR SELIN: shared that the Health and Wellness Commission continues to work on the Masks for Morgantown. That is a hashtag that they are using, masks for Morgantown. As well on their Facebook page at Live Well Morgantown or on Instagram by tagging at Live Well Morgantown. This is the start of some contests and the first one was taking a photograph with a mask on. There will be more contests in the future. If you look at Masks for Morgantown at Live Well Morgantown, you will find all kinds of interesting things that are going on with the Health and Wellness Commission to make this isolation that everyone's talking about a little bit more palatable.

COUNCILOR HARSHBARGER: shared that they had a real honor bestowed on the rail trail. The National Rail Trail Conservancy's Hall of Fame nomination. They are one of four being nominated for the Hall of Fame to the National Rail Trails. The other three are in San Francisco, Pittsburgh, and Chicago. They were just made aware at the end of last week and the voting began yesterday and goes through August 10th. We are up against some big urban areas and only the winner is selected to the Hall of Fame. This would draw some great national attention to our local rail trails and so he wants to try and get the word out there to encourage people to vote. You can vote daily at <railstotrails.org>, or #railtrailhof! As a reminder they will be resurfacing over 12 miles of the Decker's Creek rail trail, not the asphalt but the compacted stone. They are closing it in sections during the weekdays and then opening it on the weekends. It will take several months, and it is from Rock Forge to Little Greer, then next from the Decker's Creek Processing Plant to Masontown, and then to the Morgan Mine Run. Lastly, they have been finding a lot of trash bagged on the rail trail between the High Street bridge and the South University bridge going towards the amphitheater. They are not sure who is doing it, but they are happy someone is doing it. There have been a couple dozen bags of trash for a week now. BOPARC is aware that they are trying to figure out who is doing it. Additional trash cans have been added for folks to place the bags in.

COUNCILOR WENDELL: Councilor Wendell provided the following.

"The Tree Board and Urban Landscape Commission meet tomorrow at 4:30 P.M. online.

We live in extraordinarily stressful times. I'm especially worried about the health of both students and teachers in K-12 and at WVU.

The economy is in bad shape. People will be out of work and we need help from the Federal and State governments to make sure people are not evicted from their homes or lose them to foreclosure. While I support an immediate ban on evictions in the city, I have heard the objections to that from both members of Council and from the public. This should be handled by the Federal and State governments, but we don't have leadership on those levels.

"My class at, OLLI at WVU" continues online Friday at 10 A.M. We'll hear from Gene Pitney, The Ronettes, The Crystals, and Shangri-Las."

MAYOR DULANEY: lead a discussion with council and the City Manager related to homelessness, the encampment, bridging housing, and potentially to create a special committee in response to council members request to do so, to focus on these particular issues. He shared that there have been discussions with Health Right, the Bartlett House, the Friendship House, WV Coalition to End Homelessness, Our Future West Virginia, the ACLU, the Fairmont/Morgantown Housing Authority, and with the individuals at Diamond Village. These discussions have been eye opening to talk and communicate directly with each of these groups and it helps to understand the different services, the different viewpoints, and the different approaches that are available. It also helps to know where there is need in terms of how those services are delivered. He shared with council some of the research that he has looked at and they range from Tent City which was published by the National Law Center for homelessness and poverty, as well as Arizona State University's Center for problem-oriented policing. He stated that the interesting thing is that those are two very different lenses through which you can look at this issue, but they have a lot of commonalities in terms of best practices and approaches. Those practices addressing this issue in ways that protect and represent the interests of the whole community while not infringing on the constitutional rights of those marginalized members of our own community. After discussion, council agreed to form a new special

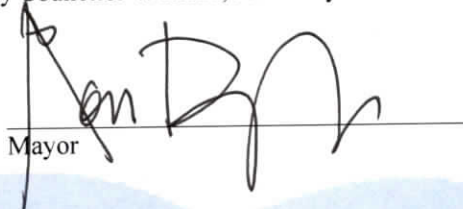
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committee to develop a strategy to bridge housing. Mayor Dulaney volunteered to chair the committee and Councilor Cruze volunteered to vice-chair. Mayor Dulaney shared that he will reach out tomorrow to begin building the committee and invited council members to participate. He stated that he is optimistic with the resources that we have in the community that we will find a positive path moving forward on this.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Harshbarger, second by Councilor Wendell, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 9:51 p.m.

ADJOURNMENT: There being no further business, motion by Councilor Wendell, second by Councilor Cruze, to adjourn the meeting. Time: 10:41 p.m.


City Clerk


Mayor

